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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/630,857

07/31/2003

Robert Wiest

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7590

12/30/2009

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ALEXANDRIA, VA 22314

EXAMINER

CARTER, CANDICE D

ART UNIT

PAPER NUMBER

3629

NOTIFICATION DATE

DELIVERY MODE

12/30/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/630,857	<b>Applicant(s)</b> WIEST ET AL.	
	<b>Examiner</b> CANDICE D. CARTER	<b>Art Unit</b> 3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4,6,7,9,11,18-20 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-4, 6-7, 9, 18-20, and 22-2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The Following is a Final Office Action in response to communications received on September 19, 2009. Claims 1-4, 6-7, 9, 18-20, and 22 have been amended. Claims 5, 10-16, and 21 have been cancelled. Claims 23-28 have been added. Therefore, claims 1-4, 6-7, 18-20, and 22-28 are pending and have been addressed below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 1-4, 6, 7, 9, 18-20, and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (5,794,207) in view of Mangin et al. (6,078,890) and further in view of Barret (6,029,144).**

As per claim 1, Walker et al. discloses a system for transacting business between a solicitor and a business comprising:

a server used by a business and being accessible by a solicitor (col. 8, line 42-52 discloses communications between buyers and sellers being conducted using a central controller where a buyer who wishes to make a purchase accesses the central controller located at a remote server; in the instant case, the buyer is the solicitor as he is soliciting the business of sellers accessing the system);

and a contract evaluation unit that is configured to receive input data from the solicitor (col. 18, line 17-26 discloses evaluating the CPO by extracting data from the data input fields).

Walker et al., however, fails to explicitly disclose a standard processing unit configured to process data by an automatic process in the case where the contract evaluation unit determines that input data fits a predetermined acceptable range of acceptable premiums, there the complete input data includes at least a premium from the solicitor; a non standard processing unit configured to process data with human intervention by an additional data input in the case where the contract evaluation unit determines that the complete input data falls outside of the predetermined acceptable range where the complete input data requires the human intervention; determining if processing will be done by the standard processing unit or the non-standard processing unit; and determining whether the input data is complete and error free in accordance with error validation criteria.

Mangin et al., discloses a method and system for automated health care renewal and quality assessment having a stage wherein input data is determined to be complete, and error free in accordance with error validation criteria. (col. 4, line 6-11 discloses an electronic form determining whether the provider failed to fully input all requested data into the form, where the failure to input all requested data into the form is an error and where the programming that analyzes the form to determine any failures, inherently uses error validation criteria in order to determine that there has been a failure).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus designed to facilitate buyer driven conditional purchase offers of Walker et al. to include the electronic form notifying a user of incomplete data input fields as disclosed by Mangin et al. in order to facilitate the proper processing of the form and the information associated with it.

Barret discloses a compliance to policy detection method and system determining whether processing is to be done fully automatic or with some human intervention based on if input data falls within an acceptable range (see fig. 6, col. 8, line 51-col. 10, line 39, and claim 12 discloses an auditor workflow system that checks an expense entry for compliance with a plurality of policy rules, where if a rule fails the expense entry is sent to a human auditor who manually evaluates and modifies the entry, if necessary, and if all rules are passed then the expense entry is sent to the reimbursement system for automatic reimbursement).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus of Walker to include determining whether processing is to be done fully automatic or with some human intervention based on if input data falls within an acceptable range as taught by Barret in order to guide manual audits of contractual agreements that are not in compliance with policy rules.

Claims 18 and 23 recites equivalent limitations to claim 1 and are therefore rejected using the same art and rationale as set forth above.

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As per claim 2, Walker et al. discloses all of the elements of the claimed invention but fails to explicitly disclose “contract evaluation unit determines that input data is not complete, then the solicitor is alerted to complete the input data”.

Mangin et al. discloses a method and system for automated health care renewal and quality assessment having an alert operable to notify the solicitor to complete the input data (col. 4, line 9-11 discloses that an alert is provided to inform the provider of the failure to complete all data fields)

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus designed to facilitate buyer driven conditional purchase offers of Walker et al. to include the electronic form notifying a user of incomplete data input fields as disclosed by Mangin et al. in order to facilitate the proper processing of the form and the information associated with it.

Claims 19 and 24 recite equivalent limitations to claim 2 and are, therefore, rejected using the same art and rationale as set forth above.

As per claim 3, Walker discloses all of the elements of the claimed invention but fails to explicitly disclose the contract evaluation unit is further configured to evaluate whether the complete input data has to be further processed by the standard processing unit or the non standard processing unit is based on one or more rules, that is associated with a reinsurance business model.

Mangin et al., discloses a method and system for automated health care renewal and quality assessment having rules associated with a reinsurance business model (col.

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3, line 1-20 discloses calculating managed care price proposals that differ in structure according to a myriad of complex factors including provider type, coverage type, and employee work status, where the price proposals, inherently, are determined according to rules associated with the different types of coverage policies).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus designed to facilitate buyer driven conditional purchase offers of Walker et al. to include rules associated with a reinsurance business model since such would facilitate the determination of monthly total composite insurance rates.

Barret discloses a compliance to policy detection method and system determining whether processing is to be done fully automatic or with some human intervention based on if input data falls within an acceptable range (see fig. 6, col. 8, line 51-col. 10, line 39, and claim 12 discloses an auditor workflow system that checks an expense entry for compliance with a plurality of policy rules, where if a rule fails the expense entry is sent to a human auditor who manually evaluates and modifies the entry, if necessary, and if all rules are passed then the expense entry is sent to the reimbursement system for automatic reimbursement).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus of Walker to include determining whether processing is to be done fully automatic or with some human intervention based on if input data falls within an acceptable range as taught by

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Barret in order to guide manual audits of contractual agreements that are not in compliance with policy rules.

Furthermore, Examiner considers the specific type of business model to be nonfunctional descriptive material as recited. The specific type of business model does not change the function of the claimed invention. Examiner asserts that the method and apparatus designed to facilitate buyer driven conditional purchase offers of Walker is fully capable of using rules associated with any type of business model.

Claims 22 and 25 recite equivalent limitations to claim 3 and are, therefore, rejected using the same art and rationale as set forth above.

As per claim 4, Walker discloses all of the elements of the claimed invention but fails to explicitly disclose the standard processing unit or the nonstandard processing units are configured to operate with a prerequisite of a given range of variables.

Barrett discloses the standard or the nonstandard processing units are configured to operate with a prerequisite of a given range of variables (claims 1 and 12 discloses a check to determine if a receipt has been submitted that is over s specific dollar amount).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus of Walker to include the prerequisite of a given range of variables as taught by Barrett since such would filter out all entries that do not comply with policy.

Claims 20 and 26 recite equivalent limitations to claim 4 and are, therefore, rejected using the same art and rationale as set forth above.



As per claim 6, Walker et al. further discloses accepting the input of the solicitor and signals the solicitor that a contract has been formed. (col. 18, line 16-17 discloses the central controller extracting data from the CPO and col. 19, line 42-45 discloses the seller adding an indication to the CPO that the contract is agreed to, where this indication would, inherently, be communicated to the solicitor).

Walker, however, fails to explicitly disclose the standard and non standard processing units accepting the complete input data.

Barret discloses the standard and non standard processing units accepting complete input data (see col. 10, line 33-39).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus of Walker to include the standard and non standard processing units accepting the complete input data as taught by Barret in order to indicate a fully compliant entry.

Claim 27 recites equivalent limitations to claim 6 and is, therefore, rejected using the same art and rationale as set forth above.

As per claim 7, Walker et al. discloses presenting the solicitor with a counteroffer (col. 22, line 40-42 discloses a seller responding to a solicitor with a counteroffer).

Barrett discloses standard and non standard processing units as discussed in the rejection of claim 1 above.

As per claim 9, Walker et al. discloses signaling the solicitor that a contract cannot be formed (col. 9, line 45-50 discloses that a seller may respond to a CPO by sending a counteroffer through the central controller, where, by sending the

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counteroffer, the central controller is notifying the solicitor that the contract cannot be formed because the seller did not agree to the original terms of the contract).

Barrett discloses standard and non standard processing units as discussed in the rejection of claim 1 above.

Claim 28 recites equivalent limitations to claim 7 and is, therefore, rejected using the same art and rationale as set forth above.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 18, and 23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday thru Thursday 7:30am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. D. C./  
Examiner, Art Unit 3629

/JOHN G. WEISS/  
Supervisory Patent Examiner, Art Unit 3629

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